

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

FERNANDO E. PUJAS,

Petitioner,

v.

**COMMONWEALTH OF PENNSYLVANIA,
et al.,**

Respondents.

:
:
:
:
:
:
:

CIVIL ACTION

NO. 12-5774

ORDER

AND NOW, this ____ day of September, 2013, upon consideration of Petitioner's Petition for Writ of Habeas Corpus (Doc. 3), Respondents' Response in Opposition thereto (Doc. 10), Petitioner's Reply (Doc. 11), and after careful review of the Report and Recommendation of United States Magistrate Judge David R. Strawbridge (Doc. 19), **IT IS HEREBY ORDERED and DECREED** as follows:

1. The Report and Recommendation is **APPROVED** and **ADOPTED**;
2. Petitioner's Petition for Writ of Habeas Corpus is **DENIED AND DISMISSED**;
3. A certificate of appealability **SHALL NOT** issue, in that the Petitioner has not made a substantial showing of the denial of a constitutional right nor demonstrated that a reasonable jurist would debate the correctness of this ruling. See 28 U.S.C. § 2253(c)(2); Slack v. McDaniel, 529 U.S. 473, 484 (2000); and
4. Petitioner's Motion for Summary Judgment (Doc. 12) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk of Court shall mark this case as **CLOSED** for statistical purposes.

BY THE COURT:

/s/ **Petrese. B. Tucker**

Hon. Petrese B. Tucker, C.J.